

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

KRISTAN ELEES WREN,

Plaintiff,

V.

FRANK BISIGNANO, Commissioner
of Social Security Administration,

Defendant.

CV 121-104

ORDER

On February 4, 2022, the Court granted a reversal and remand pursuant to sentence four of 42 U.S.C. § 405(g). (Doc. no. 12.) On March 9, 2022, the Court awarded Plaintiff \$4,028.87 as fees under the Equal Justice Act. (Doc. no. 17.) On remand, the Administrative Law Judge awarded Plaintiff past due benefits of \$123,087.00. (Doc. no. 18-2, p. 4.) Of that amount, Defendant Commissioner withheld 25%, in the amount of \$30,771.75, as a possible award of attorney's fees and out of this withholding paid Plaintiff's counsel \$9,200 while retaining the balance of \$21,571.75 for a final determination of fees by this Court. (Doc. no. 18, p. 3.)

Plaintiff now moves for attorney's fees pursuant to 42 U.S.C. § 406(b) in the amount of \$17,542.88, which is the balance remaining of the requested 25% fee amount after deducting fees paid to date of \$4,028.87 and \$9,200.00. (Doc. no. 17; doc. no. 18, pp. 2-3; doc. no. 18-2, p. 4.)

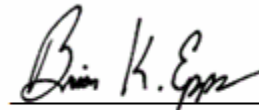
“Although an attorney who receives fees under both the EAJA and 42 U.S.C. § 406(b) must refund the smaller fee to his client, the attorney may choose to effectuate the

refund by deducting the amount of an earlier EAJA award from his subsequent 42 U.S.C. § 406(b) fee request.” Jackson v. Comm’r of Soc. Sec., 601 F.3d 1268, 1274 (11th Cir. 2010); see also Paltan v. Comm’r of Soc. Sec., 518 F. App’x 673, 674 (11th Cir. 2013) (*per curiam*).

The Court finds that the total requested \$30,771.75 is reasonable under § 406(b) and that Plaintiff’s attorney should be awarded net fees in the amount of \$17,542.88 after subtracting the prior EAJA fee award and previously paid fee amount. The Commissioner did not respond to the motion, and therefore it is deemed unopposed. See Loc. R. 7.5.

Accordingly, the Court **GRANTS** Plaintiff’s motion for fees under § 406(b), (doc. no. 18), and awards net attorney’s fees, after deducting the prior EAJA award and previous fee payment as described above, in the amount of \$17,542.88. This leaves a \$4,028.87 balance of the \$21,571.75 withheld by the Commissioner, and this balance of \$4,028.87 shall be paid to Plaintiff.

SO ORDERED this 4th day of December, 2025, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA